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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,682	01/18/2005	Masaru Iwagaki	05018/HG	2348
1933 7590 01/14/2008 FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 220 Fifth Avenue 16TH Floor NEW YORK, NY 10001-7708			EXAMINER MIGGINS, MICHAEL C	
			ART UNIT 1794	PAPER NUMBER
			MAIL DATE 01/14/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/521,682

Applicant(s)

IWAGAKI, MASARU

Examiner

Michael C. Miggins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 1/18/05 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. There are no copies of any of the foreign references in the file.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naoi et al. (US 4407939) in view of Nakagoshi et al. (US 5797247).

Naoi disclose a color photographic film (column 14, line 61 through column 15, line 27) comprising a subbing layer provided between a substrate and a photographic constitution layer of the color photographic film has a dry layer thickness of 0.05 to 0.30 (column 14, lines 26-29) microns and comprises a binder containing a gelatin (column 12, lines 49-63).

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Naoi fails to disclose a packaging for a photographic film comprising a photographic film which wound onto a spool, and is packed in a metallic film magazine which provides light shielding, and then the packed film is hermetically sealed in a moisture proof envelope.

Nakagoshi discloses a packaging for a photographic film comprising a photographic film which wound onto a spool, and is packed in a metallic film magazine which provides light shielding (column 4, lines 28-36), and then the packed film is hermetically sealed in a moisture proof envelope (column 12, lines 6-41) for the purpose of packaging the film while protecting the film from light and moisture.

Therefore it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided a packaging for a photographic film comprising a photographic film which wound onto a spool, and is packed in a metallic film magazine which provides light shielding, and then the packed film is hermetically sealed in a moisture proof envelope in Naoi in order to package the film while protecting the film from light and moisture as taught or suggested by Nakagoshi.

With regard to claim 5, Naoi discloses a cellulose triacetate, or diacetate, substrate (column 14, lines 30-40). However, Naoi fails to disclose applicant's recited range for acetylation degree. One of ordinary skill in the art would have recognized that the degree of acetylation would be readily determined through routine experimentation depending on the desired end results absent some showing of unexpected results. Further, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the acetylation degree recited by applicant in

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claim 5 in order to provide optimized mechanical and optical properties for the film, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges or an optimum value of a result effective variable involves only routine skill in the art (MPEP 2144).

4. Claims 2 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naoi et al. (US 4407939) in view of Nakagoshi et al. (US 5797247), as applied to claims 1 and 5 above, and further in view of Kawamoto (US 6022679).

Naoi discloses an anti-halation layer which is closest to the substrate (column 13, lines 45-53).

Naoi fails to disclose that the gelatin of the subbing layer has a Mg ion content of from 5 to 100 ppm, or lower than 500 ppm, wherein the photographic film comprises light sensitive layers and non-light sensitive layers, wherein each of the light sensitive layers of red, green and blue comprise at least two layers.

Kawamoto discloses that the gelatin of the subbing layer has a Mg ion content of from 5 to 100 ppm, or lower than 500 ppm (column 12, line 49 through column 13, line 31), wherein the photographic film comprises light sensitive layers and non-light sensitive layers, wherein each of the light sensitive layers of red, green and blue comprise at least two layers (column 13, line 65 through column 14, line 21) in order to provide excellent photographic, mechanical and adhesive properties while hardly causing core set curl and fogging.

Therefore it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided that the gelatin of the subbing layer has a Mg ion content of from 5 to 100 ppm, or lower than 500 ppm, wherein the photographic film comprises light sensitive layers and non-light sensitive layers, wherein each of the light sensitive layers of red, green and blue comprise at least two layers in Naoi in order to provide excellent photographic, mechanical and adhesive properties while hardly causing core set curl and fogging as taught or suggested by Kawamoto.

5. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naoi et al. (US 4407939) in view of Nakagoshi et al. (US 5797247), as applied to claims 1 and 5 above, and further in view of Akao (US 6268029).

Naoi fails to disclose wherein the moisture proof envelope exhibits a moisture permeability of not more than  $20.0 \text{ g/m}^2 \times 24\text{h}$  and an oxygen permeability of not more than  $2,000 \text{ ml/m}^2 \times 24\text{h} \times 101\text{kPa}$  and wherein the moisture proof envelope is made of an aluminum evaporated plastic film.

Akao discloses wherein the moisture proof envelope exhibits a moisture permeability of not more than  $20.0 \text{ g/m}^2 \times 24\text{h}$  and an oxygen permeability of not more than  $2,000 \text{ ml/m}^2 \times 24\text{h} \times 101\text{kPa}$  (column 45, lines 60-67) and wherein the moisture proof envelope is made of an aluminum evaporated plastic film (column 10, line 44 through column 11, line 67) for the purpose of providing improved gas and moisture barrier properties.

Therefore it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided wherein the moisture proof envelope exhibits a moisture permeability of not more than  $20.0 \text{ g/m}^2 \times 24\text{h}$  and an oxygen permeability of not more than  $2,000 \text{ ml/m}^2 \times 24\text{hx}101\text{kPa}$  and wherein the moisture proof envelope is made of an aluminum evaporated plastic film in Naoi in order to provide improved gas and moisture barrier properties.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Naoi et al. (US 4407939) in view of Nakagoshi et al. (US 5797247), as applied to claims 1 and 5 above, and further in view of Manico et al. (US 6173119).

Naoi and Nakagoshi fail to disclose that the packaged film is packed a paper box.

Manico discloses a rolled photographic film which is packaged in a bag and further packaged in a box (Figs. 1 and 5, column 7, lines 13-27) for the purpose of providing further protection and aesthetics.

Therefore it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided the packaged film is packed a paper box in order to provide further protection and aesthetics as taught or suggested by Manico.

### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Miggins whose telephone number is 571-272-1494. The examiner can normally be reached on 1:00-10:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MCM  
August 20, 2007

Michael C. Miggins  
Primary Examiner  
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